

	FREDERICKSBURG POLICE DEPARTMENT DIRECTIVES	
	OPERATIONS SUPPORT	
640.00	APPROVED: <i>David W. Nye, Chief of Police</i>	Initiated: 10/01/2007
		Revised: 10/19/2012

PURPOSE – The purpose of this directive section is to identify and describe various mechanisms of operations support utilized by the Fredericksburg Police Department. For the purpose of the following directives, the term “operations support” is meant to denote activities ranging from crime prevention to victim/witness advocacy to internal affairs.

POLICY – It is the policy of the Fredericksburg Police Department that all operations support components facilitate the advancement of the police mission by performing their respective functions. Moreover, the administration of all operations support activities must take place according to the procedures defined below.

VICTIM/WITNESS ASSISTANCE

640.00 – Victim/Witness Assistance – The Department will make every reasonable effort to assure that the personal rights and safety of a victim or witness to a crime are protected by the Department’s actions. Special attention should be provided to the victims and families of crimes such as domestic violence, child abuse, sexual assault, and abuse of the elderly. Additional information on victim/witness assistance is located in the Victim/Witness Guide.

640.01 – Communications Responsibilities – Communications will, as the initial contact with the Department for most victims:

- Provide information 24 hours per day regarding victim/witness assistance supplied by the department, including the phone number to call if the victim/witness requires an emergency response. [55.2.1, a]
- Provide information 24 hours per day regarding services offered by other organizations in the City (both governmental and private sector) for victims/witnesses in need of medical attention, counseling, and emergency financial services. A list of such services, along with phone numbers, will be maintained in Communications. [55.2.1, b]

640.02 – Officer/Detective Responsibilities – Officers or detectives conducting preliminary investigations shall inform victims of their rights as victims of crime (as mandated for all law enforcement personnel in Virginia Code §19.2-11.01) and inform all victims and witnesses about applicable services such as sources of counseling, medical attention, compensation programs or emergency financial aid, and victim's advocacy. [55.1.3, c]

This will be accomplished by providing the "Victim and Witness Resources" brochure to the victim. The brochure contains information regarding the rights of crime victims, as well as providing phone numbers for City agencies and other services, including: [55.2.3, a]

- Victim/Witness Assistance Program (Commonwealth's Attorney's Office)
- Commonwealth's Attorney Office
- Police Department
- Rappahannock Council Against Sexual Assault
- Rappahannock Council on Domestic Violence
- Virginia VINE service
- Criminal Injuries Compensation Fund

The officer shall also:

- Provide advice about what to do if the suspect or the suspect's companions or family threatens or intimidates the victim/witness (a violation of Virginia Code §18.2- 460). The advice shall include information on how to contact the Police Department and Commonwealth's Attorney office. [55.2.3.b]
- Give to the victim/witness the case number, and explain subsequent steps in the processing of the case. [55.2.3.c]
- Advise the victim to call the Police Department's non-emergency phone number to report additional information about the case or to receive information about the status of the case. A direct phone number to the investigating officer may be substituted. [55.2.3.d]
- Explain the assistance the Police Department can provide, such as extra patrol or making contact with an appropriate victim/witness service, to a victim/witness who has been threatened or who fears further victimization. [55.2.2]
- ***Make every attempt to locate the suspect in cases where he/she has left the scene prior to police arrival in an attempt to obtain a statement and document what they have done in the original report. (If a detective is being called out check with them before interviewing the suspect)***
- ***When handling document service involving Domestic Assault & Battery cases the officer should attempt to interview the suspect if the Miranda Warning is waived.***

Officers shall note that this information is provided in the incident or supplemental report.

640.03 – Follow-up Responsibilities – The officer/detective assigned to the case will:

- Schedule line-ups, interviews and other required visits at the convenience of the victim/witness, and when necessary provide transportation to court, interviews, lineups, etc. if feasible. [55.2.4.c]
- Expedite the return of property taken as evidence, unless the property is needed for trial. (except for contraband, disputed property, weapons used in a crime, etc.)
- Document the disposition of all property in the final supplemental report. [55.2.4.d]
- Protect the confidentiality of victims/witnesses in accordance with department policy. [55.1.3.b]

640.04 – Notifications – The Watch Commander is responsible to approve next-of-kin notification requests from other law enforcement agencies regarding deceased or seriously injured/ill persons. Officers assigned to make the notification shall do so in a prompt manner. Assistance may be obtained from the clergy, relative, or close friend. [55.2.6]

640.05 – Domestic Violence – At the scene of a domestic violence incident, an officer should take appropriate action to restore and maintain peace, provide for the safety of those present, and initiate reasonable measures to prevent a recurrence of the incident. Such steps may involve mediation, referral, or arrest.

Unless there are special circumstances that would dictate a course of action other than an arrest, an officer shall arrest and take into custody the person whom the officer has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor. This agency strongly discourages dual arrests of both offender and victim.

In order to minimize potential retaliation against the victim by the suspected abuser, the responding officer will attempt to obtain the warrant according to Department procedures. The victim's reluctance to prosecute should not be a factor in the officer's decision to obtain a warrant. All offenses in which the victim meets the definition of family or household member as outlined in the following Directive Section are under the jurisdiction of the Juvenile and Domestic Relations District Court.

An officer investigating any complaint of family abuse, including but not limited to assault and battery against a family or household member may, upon request, transport or arrange for the transportation of an abused person to a hospital, safe shelter, or magistrate.

640.06 – Domestic Violence Definitions – The following definitions apply to the Domestic Violence Directive Sections:

- Domestic Incident (violent or non-violent) - Any confrontation in which the parties involved meet the criteria for "family or household member" as described in Code of Va. § 16.1-228.
- Family or Household Member – Described in the Code of Virginia § 18.2-57.2.
- Family Abuse - Any act involving violence, force or threat, including any forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily

injury and which is committed by a person against such person's family or household member.

- Conditions of Release and Recognizance - A legal document issued by a magistrate advising the offender of specific conditions prior to being released.
- Show Cause Summons - A legal document issued by a magistrate when conditions of release and recognizance have been violated.
- Emergency Protective Order – Described in the Code of Virginia § 16.1-253.4 (includes information that no fee is charged to the victim for filing or serving any petition).
- Preliminary Protective Order – Described in the Code of Virginia § 16.1-253.1.
- Protective Order – Described in the Code of Va. § 16.1-279.1.
- Respondent - Refers to defendant on protective orders in cases of domestic violence or family abuse.
- Petitioner - Refers to complainant on protective orders.
- Predominant Aggressor - The party that poses the most serious threat. The predominant aggressor is not necessarily the first to commit the assault.

640.07 – Code Requirements – Code of Virginia § 19.2-81.3 authorizes arrests without a warrant in cases of assault and battery against a family or household member and for violations of protective orders. (also see §16.1-253.2).

An officer having probable cause to believe that an assault has occurred, involving family or household members, shall arrest and take into custody the person that officer has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances, which would dictate a course of action other than an arrest.

Regardless of whether an arrest is made, the responding officer shall file a written report of any incident in which there is probable cause to believe family abuse has occurred, including, where required, a statement in writing that there are special circumstances which would dictate a course of action other than an arrest.

Regardless of whether an arrest is made, if an officer has probable cause to believe that a danger of acts of family abuse exists, that officer shall seek an emergency protective order under § 16.1-253.4. (Code of Virginia § 19.2-81.3.D)

640.08 – Response – A domestic disturbance or a domestic violence call will be received, processed, and dispatched in the same manner as any call for police assistance. Communications will determine the appropriate level of response and dispatch officers in accordance with applicable procedures. An officer arriving at the scene of a domestic disturbance or domestic violence call should use proper officer safety techniques, separate the parties, and take appropriate action.

640.09 – Conduct Thorough Investigation – Officers shall:

- Ensure the victim's safety and privacy is maintained as much as possible.
- Interview the parties as fully as circumstances allow.

- Interview the victim in an area apart from the suspect, witnesses, and bystanders.
- Use supportive interview techniques and acquire information about any previous domestic incidents, their frequency and severity.
- Not tell the victim what decision has been made concerning arrest until all available information has been collected.
- Document such incidents on the Department Domestic Violence Case Investigation Form.

640.10 – Evidence Preservation – If a criminal violation has occurred, the officer(s) shall:

- Collect and preserve all physical evidence reasonably necessary to support prosecution.
- Take photographs of any obvious injuries sustained by a victim of domestic violence.
- Have the suspect identify a general photo of the victim if possible, and state the relationship between the suspect and the victim.
- Make every effort to identify the predominant aggressor. Factors to consider in determining the predominant aggressor include:
 - History of calls for service at the home and domestic violence between the parties.
 - Dispatch/CAD/RMS databases.
 - Officer, disputant, and witness information.
 - Current or previous orders of protection filed against either party.
 - Height/weight of parties.
 - Proportional nature of injuries inflicted on each person.
 - Injuries - offensive and defensive.
 - Evidence that one party acted in self-defense.
 - Potential for future injury.

640.11 – Emergency Protective Order – If an officer has reasonable grounds to believe that an assault and battery or other family abuse has been committed and that there is probable danger of a further such offense against the victim, the officer shall seek an Emergency Protective Order in accordance with § 16.1-253.4 of the Code of Virginia. Note: Officers are prohibited from seeking mutual protective orders between the offender and victim.

It is important that Emergency Protective Orders be entered into VCIN as soon after issuance as possible because they are only valid for a short period of time and also because persons subject to protective orders are prohibited from purchasing or transporting firearms (Code of Va. §18.2-308.1:4). In order to ensure the most expeditious entry of Emergency Protective Orders into VCIN, Communications will assume responsibility for initiating the VCIN entry of magistrate-issued Emergency Protective Orders. The responsibility is applicable to Emergency Protective Orders issued for stalking as well as family abuse.

If an Emergency Protective Order is served after its initial entry into VCIN, Communications must be notified of the date and time of service. All un served Emergency Protective Orders are to be returned to Communications who will return expired Emergency Protective Orders to the clerk of the appropriate court.

A copy of the Emergency Protective Order issued shall be served upon the respondent as soon as possible. One copy of the order shall be given to the allegedly abused person.

When appropriate, officers shall arrest domestic violence offenders who violate the terms of a valid protective order and take the offender before the magistrate.

640.12 – Arrest – All adults arrested for assault and battery offenses not committed in the officer's presence must be brought before the magistrate. Provisions in the Code of Virginia do not provide for release on a summons in these cases. The arresting officer will be carried as the complainant on the warrant.

- ***Juveniles arrested for Domestic Assault & Battery will be managed as described in the Juvenile Operations Directive Section. (363.00)***

640.13 – Reports – Any incident in which family abuse is apparent or suspected shall be documented by a police incident report.

Incident reports involving domestic violence will be forwarded to the Domestic Violence Unit. Copies of incident reports will be made for dissemination to the Victim/Witness Program in the Office of the Commonwealth's Attorney. As the Code of Virginia stipulates, summaries of these reports are to be made available to victims of family abuse, upon request through the Records Management Unit.

640.14 – Domestic Violence Assistance – Victims and witnesses involved in domestic violence crimes shall be afforded all of the services provided to victim/witnesses. These services are in addition to any other services provided specifically for these victim/witnesses. Officers responding to a domestic violence incident where actual violence has occurred shall:

- Call the Rappahanock Council on Domestic Violence hotline (RCDV) either on a land line at the scene, or using the officer's cell phone. If the victim does not want to talk to RCDV the victim may advise the RCDV of their decision.
- Provide the victim with a Domestic Violence Victim Assistance card and/or pamphlet that describes assistance available for victims of domestic violence.

640.15 – Temporary Shelter – Temporary shelter for a battered spouse may be available and arranged through contact initiated by Communications. The immediate assistance of this service should be sought whenever circumstances warrant, and referrals should be made in other cases when appropriate.

The Code of Virginia § 19.2-81.3(C) requires that an officer provide the allegedly abused person, both orally and in writing, information regarding the legal and community resources available to the allegedly abused person. This will be accomplished by providing the "Victim and Witness Resources" brochure to the victim. The brochure contains information regarding the rights of crime victims, as well as providing phone numbers for City agencies and other services, including: [55.2.3, a]

- Victim/Witness Assistance Program (Commonwealth's Attorney's Office)
- Commonwealth's Attorney Office
- Police Department
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640.16 – Suspect Weapons – In domestic violence cases where the suspect owns, possesses, or has access to a firearm, the investigating patrol officer shall make a reasonable effort to secure that weapon. Permission for the police to temporarily retain the weapon for safekeeping shall be sought from the suspect or other person having legal access to, or control over, the weapon. This may include the victim in some instances.

If permission for temporary police safekeeping of a firearm is not granted, the investigating patrol officer shall seek guidance from the officer's supervisor, or shall inquire at the Office of the Commonwealth Attorney to determine whether seizure of the firearm can be accomplished through a court order or other procedural means.

In addition, the investigating patrol officer shall notify the Domestic Violence Unit in any domestic violence case where:

- Any weapon was successfully seized or recovered; or
- The suspect has continued access to a firearm; or
- The suspect is known to possess a firearm permit from any state.

640.17 – Domestic Violence Involving Law Enforcement Officers – Offenders who are law enforcement officers shall be treated the same as non-law enforcement offenders. All applicable law applies and the incident will be managed the same as any domestic violence incident in regard to investigation, arrest, and reporting. In cases where a domestic violence suspect is an active law enforcement officer, the Watch Commander shall ensure the following actions are taken:

Fredericksburg Police Department Officer

- An officer that is arrested for domestic violence will forfeit his/her weapon, badges, and Department ID for safekeeping (unless the weapon requires being placed in evidence)
- The Chief of Police will be notified of the incident
- The incident report will be "locked"

Outside Agency Officer

- Any weapon carried by the suspect at the time of his or her arrest shall be seized in accordance with normal evidence collection procedures. If seized, the suspect's agency should be contacted regarding the suspect's service weapon. A supervisor or

Internal Affairs official from the suspect's agency may be given the suspect's weapon for safekeeping if it is not necessary as evidence

- The Chief of Police will be notified of the incident
- The incident report will be "locked"

640.18 – Disposition of Property – An officer shall not become involved in the disposition of property belonging to any party involved in a domestic dispute. However, it may be necessary for an officer to stand by while a party to a domestic dispute collects sufficient clothing or personal items to permit them to seek temporary shelter. The officer will remain neutral, and will be primarily concerned with maintaining the peace and safety of those present.

640.19 – Investigations – Investigative follow up will be in accordance with the provisions outlined in the Detective Division Directive Sections, the Crime Scene Investigations Guide, and the Victim / Witness and Domestic Violence Unit Guide.